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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THOMAS FLOYD BRISSETTE, SR.,
Plaintiff,

v.

EDWARD ALAMEIDA, et al.,
Defendants.

CASE NO. C-03-0200 VRW (PR)

**STIPULATED REQUEST TO
CONTINUE FACT DISCOVERY FOR
90 DAYS AND RESCHEDULE THE
NOVEMBER 8, 2005 CASE
MANAGEMENT CONFERENCE;
~~PROPOSED~~ ORDER**

Hearing:
Time:
Courtroom:
Judge: The Honorable Vaughn R. Walker

The parties respectfully request a 90 day continuation of the fact discovery deadline, up to and including December 28, 2005, due to serious and unforeseen circumstances beyond their control. Additionally, the parties request a new date for the next scheduled case management conference. The Court's June 21, 2005 minute order set the fact discovery cut off for September 30, 2005, and a further case management conference for November 8, 2005.

To date, counsel for the parties have been working diligently to complete all fact discovery and have already completed the depositions of both Defendants and Dr. Douglas. Plaintiff's deposition was scheduled for September 16, 2005. A week before the Plaintiff's deposition,

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1 counsel for the Defendants was informed that Plaintiff Thomas Floyd Brissette, Sr. had been
 2 diagnosed with an aggressive form of type B Lymphoma. In response to Plaintiff's diagnosis,
 3 prison doctors have initiated an intensive six week chemotherapy regime, which involves
 4 transporting Plaintiff to and from Eureka for treatments. In order to avoid any interference or
 5 delay in Plaintiff's current treatment the parties have agreed that Plaintiff's current health crisis
 6 takes priority over his deposition. Plaintiff's deposition will be rescheduled once his current
 7 treatment health condition has been stabilized.

8 In addition to the discovery of Plaintiff's cancer, the scheduled deposition of Dr. Ruben had
 9 to be postponed because he was called up by his Oregon National Guard unit to report to
 10 Louisiana as part of the hurricane Katrina relief effort.

11 Finally, as previously explained to the Court at the last Case Management Conference,
 12 counsel for Defendants, Deputy Attorney General Virginia Papan, will be out of the office on a
 13 leave absence from October 10, 2005 to November 14, 2005.

14 Given these unforeseen circumstances, the parties respectfully request that the Court grant
 15 their request for an additional 90 days, to and including December 28, 2005, to complete fact
 16 discovery in this case and reschedule the November 8, 2005 Case Management Conference.

17 Respectfully submitted,

18 Virginia I. Papan
 19 VIRGINIA I. PAPAN
 Attorney for Defendants Winslow and Allen

9/28/05
 Dated

20 Aaron M. Armstrong
 21 AARON M. ARMSTRONG
 22 Attorney for Plaintiff Brissette

9/28/05
 Dated

23 IT IS ORDERED.

24 1. The fact discovery cut-off is continued to and including December 29, 2005.

25 2. The Case Management Conference is rescheduled to Dec. 20, 2005 at 9:00 a.m.

26 Dated: _____

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Stipulated Req. to Cont. Discovery

